

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96347

Nobuhiko FUSHIMI, et al.

Appln. No.: 10/591,403

Group Art Unit: 4173

Confirmation No.: 9581

Examiner: Jonathan S. Lau

Filed: September 1, 2006

For: FUSED HETEROCYCLE DERIVATIVE, MEDICINAL COMPOSITION CONTAINING
THE SAME, AND MEDICINAL USE THEREOF

RESPONSE TO RESTRICTION/ELECTION

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the outstanding restriction requirement of January 3, 2008, Applicants
elect as follows:

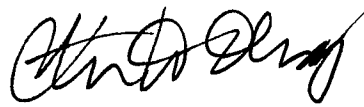
They elect Group I, claims 1-16, drawn to a fused heterocyclic derivative and
pharmaceutical compositions thereof.

Since Applicants have elected Group I, they respond to the **first** and **second** species
elections as follows:

In the fused heterocyclic derivatives, they elect the compound of Example 3: 2-(β -D-
glucopyranosyl)-7-(4-methylbenzyl)benzo[*b*]thiophene, on which claims 1-2 and 4-16 read, and
elect "diabetes" as the species of disease for which the compound is an agent for treatment.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



/Peter D. Olexy/

Peter D. Olexy

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Date: January 15, 2008